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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,183	02/08/2001	Eric Ellington	OAA-145-A	6456

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CARRIER BLACKMAN AND ASSOCIATES  
24101 NOVI ROAD  
SUITE 100  
NOVI, MI 48375

EXAMINER

FISCHMANN, BRYAN R

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/779,183**

Applicant(s)  
**ELLINGTON**

Examiner  
**Bryan Fischmann**

Art Unit  
**3618**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Feb 8, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-5 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-5 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements

## Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Feb 8, 2001 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☒ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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***Specification***

1. The abstract of the disclosure is objected to because of the following:

The abstract uses legal terms such as "fixedly" and "comprises" (see MPEP 608.01(b)).

2. The disclosure is objected to because of the following:

The following inconsistencies in nomenclature was noted:

Line 4 of sheet 5 recites "imaginary lines 14". Line 2 of sheet 6 recites "areas 14".

To avoid confusion to the reader, and to facilitate identifying components by nomenclature in the claims, it is requested Applicant use consistent nomenclature for the same reference number throughout the specification.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "8" has been used to designate both the side of the snowboard in Figure 1 and the nose of the snowboard in Figure 3. Correction is required.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the binding as recited in claim 5 must be shown or the feature canceled from the claim. No new matter should be entered.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema, et al, US Patent 4,848,781.

Dykema teaches a snowboard for sliding over snow, comprising:  
an elongated slide board (16) having a slide surface on a lower surface thereof; and  
an elongated step board (24) defining a deck on an upper surface thereof, and attached to an upper surface of the slide board in a substantially parallel and spaced relationship via a connecting member (50).

Regarding claim 3, note that Figure 7 shows the step board (upper board) somewhat greater length than the slide board. Regarding the width, see figures 6 or 9.

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*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema, et al, US Patent 4,848,781, in view of Tinkler, US Patent 5,544,919.

The snowboard of Dykema fails to teach an engagement portion in the nose part.

However, Tinkler teaches an engagement portion (Figure 1) in the nose of a sportsboard. Although Tinkler illustrates the engagement portion on a skateboard, Tinkler recites on lines 20 and 21 of column 5 "...these concepts are equally applicable with other sportsboards, such as snowboards...". An engagement portion on the nose of a snowboard is advantageous in that it allows a user's foot to remain engaged with the board, while also allowing the user's foot to be located at a part of the board where there is large "leverage" on the board, which facilitates accomplishing stunts and maneuvering.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an engagement portion on the nose portion of the snowboard of Dykema, as taught by Tinkler.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema, et al, US Patent 4,848,781, in view of Laughlin, et al, US Patent 5,915,721.

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The snowboard of Dykema fails to teach a binding.

However, snowboard bindings are well known in the art. Laughlin provides a teaching of a snowboard binding. Bindings allow the boots of a snowboarder to be secured to the snowboard, so that the snowboard and the snowboarder do not become separated.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a binding on the stepboard of the snowboard of Dykema, as taught by Laughlin.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Smolka, et al - teaches ski binding located above ski
- B) Carr - teaches a sled connected to a skateboard
- C) Howe - teaches a second ski installed over a lower ski
- D) Dodge - teaches a second board installed above a snowboard
- E) Swiss Patent 627655 - teaches an engagement portion
- F) German Patent 3505255 - teaches a second ski installed over a first ski
- G) German Patent 3628623 - teaches a board installed over a first set of skis, including an engagement portion
- H) German Patent 3702093 - teaches a board installed over a first set is skis

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11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BF

12/16/01

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
12/17/01